

**REMARKS**

This Preliminary Amendment with Remarks is being filed concurrently with a continuation application of U.S. Serial No. 09/616,275 to pursue subject matter canceled during the prosecution of the parent application. The parent application will issue as U.S. Patent No. 6,626,900 on September 30, 2003.

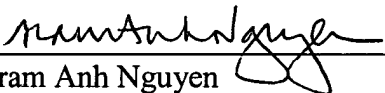
Claim 1 is amended to recite that the therapeutic medical device comprises an energy delivering catheter having a flexible elongate member adapted for intraluminal positioning and a balloon member at a distal end of the elongate member which is adapted to contact tissue upon inflation within a body lumen. The catheter further includes a position-sensing system that comprises an illuminator disposable within the balloon member that projects energy through the balloon member toward the tissue surface, and a collecting device that is also disposable within the balloon member which receives reflected energy that returns to the balloon member. Support for these limitations can be found on page 7, lines 14-19 and page 12, line 36 through page 13, line 13. These same amendments were previously made to independent claim 18 in the parent application, for which this application is a continuation. Claim 16 is also amended to correct an antecedent basis problem, and claims 18-23 are canceled. Accordingly, no new matter is added.

***Conclusion***

Applicant submits that claims 1-17 are in condition for allowance and allowance thereof is respectfully requested. The Examiner is urged to telephone the undersigned in the event that such communication is deemed to expedite prosecution of this matter.

Respectfully submitted,

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